

**CITY OF LAURINBURG  
CITY COUNCIL SPECIAL MEETING/WORK SESSION  
JULY 15, 2014  
MUNICIPAL BUILDING  
303 WEST CHURCH ST.  
7:00 p.m.**

The City Council of the City of Laurinburg held a special meeting/work session on July 15, 2014 in the council room of the Municipal Building with the Honorable Thomas W. Parker, III, presiding. The following Councilmembers were present: Mary Jo Adams, Dolores A. Hammond, Curtis B. Leak, Andrew G. Williamson, Jr. and J. D. Willis.

Also present were Charles D. Nichols III, City Manager; Jennifer A. Tippett, City Clerk; and William P. Floyd, Jr., City Attorney.

Mayor Parker called the meeting to order at 7:03 p.m.

Councilmember Willis gave the invocation.

**APPROVAL OF AGENDA**

Motion was made by Councilmember Willis, seconded by Councilmember Hammond, and unanimously carried to approve the agenda as presented.

**AGENDA FOR JULY 22, 2014**

The City Manager reviewed the agenda for the July 22, 2014 meeting as follows

- 3) **Consent Agenda (Item A)**
  - a) Approve the minutes of the May 20, 2014 reconvened meeting and the May 20, 2014 regular meeting

**CITY MANAGER REPORTS**

- 4) Consider Ordinance No. O-2014- condemning the property located at 524 Gabriel Avenue and authorizing the building Inspector to repair or demolish the structure.
- 5) Semi-annual report on surplus sales
- 6) Consider approval of the purchase of a front loader truck from Environmental Solutions Group for \$239,222.00 utilizing the National Joint Powers Alliance (NJPA) approved pricing for bid documents
- 7) Consider approval of the purchase of a trailer mounted high pressure sewer cleaner from Sewer Equipment Company of America for \$201,958.79 utilizing the National Joint Powers Alliance (NJPA) approved pricing and bid documents
- 8) Consider the approval of the purchase of a trailer mounted vacuum machine from Sewer Equipment Company of America for \$129,819.20 utilizing the National Joint Powers Alliance (NJPA) approve pricing and bid documents
- 9) Consider the approval of the purchase of a Digger Derrick Line truck from Altec Industries, Inc. for \$222,285.00 per GSA Contract #GS-30F-1028G
- 10) Consider Ordinance No. O-2014-amending Chapter 40 Utilities, Article IV Sewer System, Division 4 Sewer Use of the Code of Ordinances of the City of Laurinburg

because of the industrial park. Mr. Nichols stated that Chuck Willis will be at the meeting next Tuesday to discuss this item.

#### **APPOINTMENT**

- 11) Laurinburg-Maxton Airport Commission three year term has expired. Councilmember Adams has been filling the spot for past Councilmember Spencer.

#### **CONSENT AGENDA**

Following discussion, it was consensus of Council to place Items 4 through 9 on the Consent Agenda.

#### **DISCUSSION OF INTERNET SWEEPSTAKES REGULATIONS IN UNIFIED DEVELOPMENT ORDINANCE**

The City Manager explained that in connection with request by Council, he had spoken with Mr. Mac McInnis, Planner & Zoning Officer and Mr. Holland of Holland Consulting concerning adding regulations for internet sweepstakes to the Unified Development Ordinance (UDO). He added that Mr. McInnis and Mr. Holland recommended that the City should not attempt to regulate an activity that has been deemed illegal. He further added that he had discussed this with the City Attorney who concurred.

Upon question by Councilmember Hammond, the City Attorney explained that according to the District Attorney's Task Force, all gambling machines are illegal.

Following discussion concerning the City's legal ability to regulate internet sweepstakes, it was consensus of Council to take no action on regulating internet sweepstakes.

#### **DISCUSSION OF NON-SOLICITATION ORDINANCE IN CITY CODE OF ORDINANCES**

The City Manager stated that he received correspondence from a company that questioned the constitutionality of the City's door to door solicitation ordinance. He added that the ordinance had been in effect for a long time. He further added that Council can place restrictions on door to door solicitation if it desired.

Following discussion, it was consensus of Council to leave the door to door solicitation ordinance unchanged.

#### **DISCUSSION OF MEMORANDUM OF UNDERSTANDING WITH SCOTLAND COUNTY**

The City Attorney discussed his concerns concerning the revised Memorandum of Understanding (MOU) with Scotland County for the 911 Consolidated Call Center/EOC as follows:

1. **Cap on Annual Expenditures by the City and Duration of Expenditures**-The City's version capped the annual expenditure to one-third (1/3) of personnel costs up to a maximum of \$250,000.00. In addition the City's obligation to pay any portion of personnel costs ended on June 30, 2017 unless the City agreed to extend; however, the absolute end of the City's contribution would end at midnight on June 30, 2024. The

City Attorney explained that the County's version increases the City's contribution to a maximum of \$250,000.00 per year but would be increased at the same percentage as any COLA provided to City employees. He added that the County's version eliminates short and long-term obligations to the Center, making the City's contribution perpetual.

2. **Treatment of Current City Dispatch Employees**-The City Attorney explained that the County's version does not guarantee any City dispatch personnel a position at the Consolidated Center, but they will instead be treated as internal candidates and considered for any open positions before positions are open to the public.

Following discussion, it was consensus of Council that Items 1 and 2 were deal-breakers for authorizing execution of the MOU.

3. **Makeup of Consolidated Dispatch Board**-The City Attorney explained that the County's version makes the City Manager and County Manager non-voting ex officio members of the Consolidated Dispatch Board.

Discussion ensued concerning this item, and it was consensus of Council that this item was acceptable.

4. **User Groups**-The City Attorney explained that the City's version obligates the Consolidated Dispatch Board to create a Law Enforcement User Group and separate Fire/EMS/Rescue/Emergency Management Group which will allow user agencies to give input to the Consolidated Dispatch Board; however, the County's version makes the establishment of these groups optional.

Following discussion, it was consensus of Council that this item was acceptable.

5. **Admission of New Jurisdictions**-The City Attorney explained that the City's version requires an amendment to the MOU to admit any new towns, cities, or other entities to the MOU, and the County's version gives the County ultimate discretion regarding this matter.
6. **Mediation**-The City Attorney explained that the City's version provides that any dispute between parties will be first submitted to the Dispatch Board and then to non-binding mediation, and if either party is still not satisfied, it can pursue all available remedies in court. He added that the County's version basically says that if the parties cannot reach an agreement, the matter will be submitted to the County Commissioners for determination and resolution, making the County Commissioners the final authority on any controversy that arises under the MOU.

Following discussion, it was consensus of Council for the City Attorney to revise Items 1, 2 and 6 and present the revised MOU.

## **COMMENTS BY MAYOR AND COUNCILMEMBERS**

Councilmember Adams explained that there were three (3) grand openings in the past week, two (2) downtown and the new Mexican restaurant.

Councilmember Hammond added that the stated that the Firehouse Restaurant in Gibson also opened last week.

Councilmember Adams explained that citizens had contacted her concerning maintenance of rental property in the City.

Upon question by Councilmember Adams, Mr. Mac McInnis, Planner & Zoning Officer discussed the authority of the City and actions that can be taken to remediate any violations of City Code.

Mr. Stacey McQuage, Public Utilities Director, discussed the nuisance process for overgrown lots.

Councilmember Leak explained that he would like for the lot cutting fees to be collected by the City.

Upon questions by Councilmember Willis, the City Manager explained that the 911 Consolidated Call Center/EOC should completed by September, and be operational by December 2014 or January 2015. He added that he would investigate to determine if there would be any penalties to the County should the MOU not be approved.

Councilmember Adams requested an update on the nuisance ordinance at the next work session.

## **CLOSED SESSION**

At 8:12 p.m., Councilmember Adams motioned to go into closed session pursuant to North Carolina Statute 143-318.11 (a)(6) for the purpose of considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee and pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the City concerning City of Laurinburg v. Brookie Lea Vasser and spouse, if any. The motion was seconded by Councilmember Willis, and unanimously carried.

At 8:44 p.m., motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to adjourn the closed session and resume the open meeting.

## **ADJOURNMENT**

Motion was made by Councilmember Willis, seconded by Councilmember Williamson, and unanimously carried to adjourn the meeting.

The meeting adjourned at 8:46 p.m.